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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,480	02/19/2002	Morris Ostrowiecki		1749

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EXAMINER

LOPEZ, FRANK D

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/076,480

**Applicant(s)**

OSTROWIECKI, MORRIS

**Examiner**

F. Daniel Lopez

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10,14,16-19 is/are rejected.
- 7) ☒ Claim(s) 11-13,15 and 20-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Election/Restrictions***

Claims 1-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made with traverse in Paper filed March 17, 2004.

Applicant argues that the means for preventing the air pump from sliding down the saddle post is also readable on the claims of group II. The restriction between groups II and III is because the pump of group II is claimed as being conventional (i.e. a prior art pump), whereas the pump of group III claims other features, which may make the pump non-conventional (i.e. not a prior art pump).

Applicant argues that the spring of group I would facilitate the storing of the group III pump in a saddle post. Group I is directed to a spring. There is no limitation to actually using it to store the pump in a saddle post. Even if it did, it would be an alternate means for storing the pump in the saddle post, and therefore restrictable.

***Claim Rejections - 35 USC § 112***

Claims 14, 16, 17 and 19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14 line 2-4 "having a through hole...therebetween" is confusing, since there is already a through hole claimed and there is no disclosure of two through holes. Suggest that this limitation be deleted, as being redundant.

In claim 16 line 3 claims "a tail portion (75t)", but the disclosure of the tail portion (e.g. fig 9A) indicates that the tail portion extends past the circumference of the cylinder, and so contradicts the limitation of claim 10 last two lines.

Claim 19 should depend from claim 18, to give "said air pressure indicating means" of line 1-2 proper antecedent basis.

Claim 17 is indefinite, since it depends from claim 16.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 10, and 14-17 are rejected under 35 U.S.C. § 103 as being unpatentable over Wu (6,017,196) in view of Ohashi. Wu (6,017,196) discloses a bicycle hand air pump comprising a piston (12) mounted to another end of a hollow shaft (11), and fitting inside a cylinder (10); means (18) supporting a handle (17) on one end of the hollow shaft, so that the handle can swivel; an end cap (15) mounted to one end of the cylinder, having a hole (1501) formed through the center for the hollow shaft and allow air to pass through; an air outlet portion (14) mounted to the other end of the cylinder having a through hole (141) formed therein, extending from a top surface to a bottom surface; wherein the air outlet portion, the handle supporting means and the end cap has no portion protruding beyond a circumference of the cylinder (see e.g. fig 1; note that element 161 is not considered part of the end cap); but does not disclose that the through hole extends to a female connector, facing in a radial direction of the cylinder.

Ohashi teaches, for a bicycle hand air pump comprising an air outlet portion (11) mounted to another end of a cylinder (9) having a through hole formed therein, extending from a top surface; that the through hole extends to a female connector, facing in a radial direction of the cylinder.

Since the through holes in the outlet portions of Wu (6,017,196) and Ohashi are functionally equivalent in the piston art; it would have been obvious at the time the invention was made to one having ordinary skill in the art to make the through hole of

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Wu (6,017,196) extend to a female connector, facing in a radial direction of the cylinder, as taught by Ohashi, as a matter of engineering expediency.

Claim 18 is rejected under 35 U.S.C. § 103 as being unpatentable over Wu (6,017,196) in view of Ohashi, as applied to claim 1 above, and further in view of Huang. The modified Wu (6,017,196) discloses all of the elements of claim 18, but does not disclose that the pump includes air pressure indicating means.

Huang teaches, for a hand air pump comprising a piston (21) mounted to an end of a hollow shaft (2), and fitting inside a cylinder (1); that the pump includes air pressure indicator (including 20 and the scale on the shaft 2), equivalent to applicant's air pressure indicating means, for the purpose of sensing pressure generated by the pump.

Since Wu (6,017,196) and Huang are both from the same field of endeavor (hand pumps), the purpose disclosed by Huang would have been recognized in the pertinent art of Wu(6,017,196). It would have been obvious at the time the invention was made to one having ordinary skill in the art to include an air pressure indicator with the pump of the modified Wu (6,017,196), equivalent to applicant's air pressure indicating means, as taught by Huang, for the purpose of sensing pressure generated by the pump.

### ***Conclusion***

Claims 11-13, 15 and 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

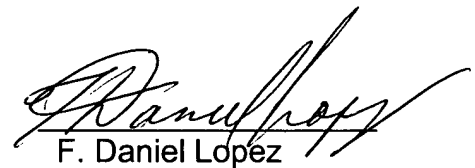
Claims 16, 17 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wu (6,065,947) refers to a piston with o-ring seals. Stoll refers to a piston having a cavity for grease, used to lubricate the cylinder.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is (703) 308-0008. The examiner can normally be reached on Monday-Thursday from 6:30 AM -4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on (703) 308-1044. The fax number for this group is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861.

A handwritten signature in black ink, appearing to read 'F. Daniel Lopez', with a stylized flourish extending from the end.

F. Daniel Lopez  
Primary Examiner  
Art Unit 3745  
June 23, 2004